

LIONEL WILLIAMS,	)	No. C 11-00397 JW (PR)
	)	
Plaintiff,	)	ORDER OF DISMISSAL
	)	
vs.	)	
	)	
	)	
ALAMEDA COUNTY, et al.,	)	
	)	
Defendants.	)	
	)	
	)	

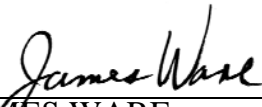
A plaintiff has the absolute right to dismiss his or her action by filing a notice of dismissal “at any time before service by the adverse party of an answer or of a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(i). Said dismissal may be with or without prejudice, but unless plaintiff’s notice of dismissal states otherwise, it is deemed to be “without prejudice.” See Fed. R. Civ. P. 41(a)(1); Humphreys v. United States, 272 F.2d 411, 412 (9th Cir. 1959). No court order is required. Plaintiff’s notice of dismissal is effective by itself to terminate the action: “[A]n action may be dismissed by the plaintiff without order of the court . . . by

1 filing a notice of dismissal.” Fed. R. Civ. P. 41(a)(1); see also Hamilton v.  
2 Shearson- Lehman American Exp. Inc., 813 F.2d 1532, 1534-1536 (9th Cir. 1987)  
3 (Rule 41(a)(1)(i) does not require leave of court to dismiss the action).

4 Plaintiff’s notice, which the court construes as his “Notice of Dismissal,” was  
5 filed before service by the adverse party of an answer. Therefore, the Court finds  
6 that plaintiff has the absolute right to dismiss his action voluntarily. See Fed. R.  
7 Civ. P. 41(a)(1)(i). Based on plaintiff’s request for voluntary dismissal, this action is  
8 DISMISSED without prejudice. See id.

9 The clerk shall terminate all pending motions as moot.

10  
11 DATED: March 16, 2011

  
12 JAMES WARE  
13 United States District Chief Judge  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

LIONEL WILLIAMS,  
Plaintiff,

Case Number: CV11-00397 JW

**CERTIFICATE OF SERVICE**

v.

ALAMEDA COUNTY et al,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 18, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Lionel Williams  
1550 - 162<sup>nd</sup> Ave #50  
San Leandro, CA 94571

Dated: March 18, 2011

Richard W. Wieking, Clerk  
/s/ By: Elizabeth Garcia, Deputy Clerk

Order of Dismissal

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